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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/512,048	10/21/2004	Kari Pulkkinen	0365-0609PUS1	8405
2292 7590 03/19/2010 BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747				
EXAMINER				
KAZMI, HANI M				
ART UNIT		PAPER NUMBER		
3691				
NOTIFICATION DATE		DELIVERY MODE		
03/19/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

mailroom@bskb.com

Office Action Summary

Application No.

10/512,048

Applicant(s)

PULKKINEN ET AL.

Examiner

Hani Kazimi

Art Unit

3691

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/22)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 17-19 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Odijk et al (USPAP 20020156732) in view of Titus (USPAP 20020029189) and further in view of Wallenius (USPN 6760417).

Re claims 17-20 and 22-23: Odijk teaches a method for managing customer accounts in connection with a Pre-Paid platform, the method comprising:
receiving, at a proxy, a request for service from a subscriber (§ 0025 "receiving the customer request for the content service by a mediator", 0045, 0048);

Odijk does not explicitly teach determining, at a proxy, a service code associated with a requested service; sending charge data, including the service code, to a charging module; converting, in the charging module, the received charge data and service code into a predefined format accepted by a Pre-Paid platform; sending the converted charge data to the Pre-Paid platform; receiving an indication from the Pre-Paid platform as to whether the subscriber has an adequate balance to cover the requested service; and controlling, by the proxy, whether or nor the requested service is provided based on the received indication

Titus teaches the concept of determining, at a proxy, a service code associated with a requested service; sending charge data, including the service code, to a charging module; sending the converted charge data to the Pre-Paid platform; receiving an indication from the Pre-Paid platform as to whether the subscriber has an adequate balance to cover the requested service; and controlling, by the proxy, whether or nor the requested service is provided based on the received indication (abstract, ¶¶ 0021-0022, 0031, 0034-0036, 0039, 0042-0043, 0063).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Odijk to include the concepts of prepaid short messaging as taught by Titus for the obvious reason of determining the exact cost of the service upfront and thus the risk of overdrawing a particular account balance is reduced or eliminated (Titus: ¶¶0063).

Wallenius teaches the concept of converting, in the charging module, the received charge data and service code into a predefined format accepted by a Pre-Paid platform

(col. 2, lines 13-33). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Odijk to include this concept for the obvious reason of providing charging data in format that is understandable to the prepaid platform.

Re claims 20-21: Odijk and Titus fails to teach wherein the converted charged data is sent to the prepaid platform using an INAP protocol or CAP protocol.

Official notice is hereby taken that the use of these protocol are old and well known.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Odijk and Titus combination to include these concepts based on the various benefits and functionalities associated with these protocols.

Response to Arguments

Applicant's arguments filed December 16, 2009 have been fully considered but they are not persuasive.

Applicant argues in substance that Titus fails to teach sending charge data, including the service code, to a charging module and converting, in the charging module, the received charged data and service codes into a predefined format accepted by the Pre-paid platform or sending the converted charged data to the prepaid platform and receiving an indication from the prepaid platform as to whether the subscriber has adequate balance to cover the requested service.

Examiner respectfully disagrees. Titus explicitly teaches the concept of sending charge data, including service codes, to a charging module (abstract, “classes of service that defines and identify subscriber rate and/or tariff plans”, 0042, “prepaid messaging service 100”), sending the charged data to a prepaid database 100, the SMSC 120 receives an indication from the prepaid database as to whether the subscriber has an adequate balance to cover the requested service and the SMSC controls whether or not the requested service is provided based on the indication received from the prepaid database (platform) (paragraph 0039). Titus does not explicitly teach converting the received charge data and service codes into a redefined format accepted by the prepaid platform. However, Wallenius teaches the concept of converting a received charge data and service codes into a predefined format accepted by a prepaid platform (col. 2, lines 13-33)

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hani Kazimi whose telephone number is (571) 272-6745. The examiner can normally be reached Monday-Friday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Alexander Kalinowski can be reached on (571) 272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hani M. Kazimi/

Primary Examiner, Art Unit 3691